

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANDREW YOUNG,

Plaintiff,

v.

JAMES A. KAKU AND DARREL KAKU,

Defendants.

2:07-cv-00484-RCJ-LRL

O R D E R

Before the court is plaintiff's Motion to Order the Release of Evidence by the Eighth Judicial Court in Case #C212930 (#77), wherein pro se plaintiff, Andrew Young ("Young"), seeks an order of the court directing the Eighth Judicial District Court to copy the State's exhibits in a criminal case against Young and send the exhibits to this court for filing as Young's evidence in the instant civil action. No opposition to the motion has been filed.

Young was prosecuted in the State of Nevada, Eighth Judicial District Court, in case number C213930. The State's exhibits in that case included videotapes that were entered as State's exhibits 1, 2, and 3 ("the videotapes"). Mot. (#77) at 1. Young states, "The primary evidence in this civil case is the "Videotapes" which would prove all of the plaintiffs' allegations, elements and merits in the complaint that's against the defendant's [Sic.] in this civil case." *Id.* at 2. On January 8, 2010, in an effort to retrieve the videotapes, Young wrote a letter to the Clerk of Court for Department 12 of the Eight Judicial District Court, requesting that the videotapes be sent to "United States District Judge Robert C. Jones, in reference to Case. No. 2:07-cv-00484-RCJ-LRL, in care of plaintiff ANDREW YOUNG, I need this evidence for my civil case." Exh. 2 to Mot. (#77). A deputy clerk in the state court responded on January 25, 2010, using that court's Inmate Correspondence Form. Exh. 1 to Mot.

1 (#77). The form indicated that Young's request was being denied on grounds that "Any copies of
2 evidence, requires a court order." On February 19, 2010, Young filed this Motion to Order the Release
3 of Evidence (#77).

4 The court requires more information from Young regarding the videotapes before it will consider
5 issuing an order to release the evidence. Young states that the videotapes will prove all of the
6 allegations, elements, and merits of his complaint. Young does not state, however, what he believes
7 to be depicted on the tapes and how that information is relevant to his claims. Without a more specific
8 statement of relevance, this court will not order the Clerk of the Eighth Judicial District Court to copy
9 and forward the videotapes.

10 Accordingly, and for good cause shown,

11 IT IS ORDERED that plaintiff's Motion to Order the Release of Evidence by the Eighth Judicial
12 Court in Case #C212930 (#77) is DENIED without prejudice. Plaintiff may refile the motion only if
13 he is able to make a more complete statement as to how the videotapes will substantiate his claims.

14 DATED this 21st day of May, 2010.

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17 **LAWRENCE R. LEAVITT**
18 **UNITED STATES MAGISTRATE JUDGE**
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